



IN THE CIRCUIT COURT OF OHIO COUNTY, WEST VIRGINIA

**IN RE: MARCELLUS SHALE LITIGATION
WELL PAD CASES**

CIVIL ACTION NO. 14-C-3000

**THIS DOCUMENT APPLIES TO:
MIDDLEBOURNE TRIAL GROUP
(Tyler County)**

Jason L. Greathouse and Jessica Greathouse

v.

Antero Resources Corporation, et al.

Civil Action No. 20-C-29 TYL

Susan Moore

v.

Antero Resources Corporation, et al.

Civil Action No. 20-C-30 TYL

Kermit Mossor and Garnet Mossor

v.

Antero Resources Corporation, et al.

Civil Action No. 20-C-31 TYL

Donald E. Robinson and Deborah K. Robinson

v.

Antero Resources Corporation, et al.

Civil Action No. 20-C-32 TYL

Destry B. Nelson and Jami K. Nelson

v.

Antero Resources Corporation, et al.

Civil Action No. 20-C-33 TYL

CASE MANAGEMENT ORDER

FACT DISCOVERY

FACT WITNESS DISCLOSURE DEADLINE: July 16, 2021

FACT DISCOVERY COMPLETION DEADLINE: January 14, 2022.

All responses and objections to discovery shall be completed and all motions to compel discovery shall be filed by the fact discovery completion deadline. The fact discovery completion deadline established in this scheduling order does not excuse failure to comply with the provisions of Rule 26(e) requiring supplementation of responses to discovery.

EXPERT DISCOVERY

Any party desiring to use an expert witness shall furnish opposing counsel with the specialty of such expert and copies of all reports submitted by such witness, or, if no reports have been submitted, a summary of the substance of such expert's contemplated testimony, in accordance with WVRCP 26(b)(4). If the name, reports or 26(b)(4) material are not timely provided, a motion to continue, motion to exclude, or other sanction motion on this basis will not be considered unless opposing counsel has filed such motion prior to the pretrial conference.

PLAINTIFFS' EXPERT WITNESS REPORTS ARE DUE: January 14, 2022

DEFENDANTS' EXPERT WITNESS REPORTS ARE DUE: March 11, 2022

EXPERT DISCOVERY COMPLETION DEADLINE: May 6, 2022

ALL DISCOVERY IS CLOSED: May 13, 2022

MEDIATION: Mediation will be conducted in **mid to late May 2022**. A separate Order scheduling mediation will be entered by the Resolution Judges.

DISPOSITIVE MOTIONS

DEADLINE FOR DISPOSITIVE MOTIONS: June 10, 2022

DEADLINE FOR RESPONSES TO DISPOSITIVE MOTIONS: June 24, 2022

DEADLINE FOR REPLIES TO DISPOSITIVE MOTIONS: July 1, 2022

If a discovery deposition is scheduled within 30 days of the close of discovery, counsel shall request an expedited copy of the transcript of such deposition. The Court will not permit supplementation of dispositive motions or responses to dispositive motions with deposition testimony received after the briefing deadlines set forth above.

MOTIONS IN LIMINE

Pursuant to West Virginia Rule of Evidence 103(c), all motions in limine should be determined prior to trial, where practicable. The Presiding Judges will not consider motions in limine on the day of trial without good cause shown.

DEADLINE FOR FILING MOTIONS IN LIMINE: June 10, 2022

DEADLINE FOR RESPONSES TO MOTIONS IN LIMINE: June 24, 2022

DEADLINE FOR REPLIES TO MOTIONS IN LIMINE: July 1, 2022

HEARING ON DISPOSITIVE MOTIONS AND MOTIONS IN LIMINE: during the pretrial conference at **10:00 a.m. on July 15, 2022.**

JOINT PROPOSED VOIR DIRE, JOINT PROPOSED JURY INSTRUCTIONS, AND JOINT PROPOSED VERDICT FORM: The Parties shall electronically file and serve their joint proposed voir dire, joint proposed jury instructions, and joint proposed verdict form in **Rich Text Format** on the Presiding Judges and the Mass Litigation Manager **on June 17, 2022.**

EXHIBITS, WITNESS LISTS, AND DEPOSITION DESIGNATIONS EXCHANGED:
June 17, 2022

Parties shall exchange full and complete copies of all exhibits intended to be introduced into evidence at trial and all deposition designations. All exhibits shall be pre-marked. Witness lists shall be bona fide lists of intended trial witnesses and any recently discovered fact or condition witnesses. Names of witnesses shall be specified and shall include contact information for each witness and a statement of intended testimony. Unnamed/unlisted witness reservations are not authorized.

OBJECTIONS TO EXHIBITS, WITNESSES AND DEPOSITION DESIGNATIONS

EXCHANGED: June 24, 2022

All parties shall meet and confer **no later than July 1, 2022**, to resolve objections to witnesses, exhibits and deposition designations.

PRETRIAL CONFERENCE MEMORANDA:

All parties shall exchange their pretrial conference memoranda and deliver their pretrial conference memoranda to the Presiding Judges and the Mass Litigation Manager **on July 8, 2022**. The pretrial conference memoranda shall contain the following:

- a. Statement of the Case
- b. Issues of Fact
- c. Issues of Law
- d. Proposed Stipulations
- e. Specific Schedule of Exhibits (NO reservations authorized)
- f. Specific List of Witnesses (NO reservations authorized)
- g. List of Pending Motions, including Dispositive Motions and Motions *in Limine*
- h. Unresolved Objections to Witnesses, Exhibits and Deposition Designations.

PRETRIAL CONFERENCE: 10:00 a.m. on July 15, 2022.

TRIAL: 9:00 a.m. on July 25, 2022. The Court has allotted two weeks for the trial of this group of cases.

MODIFICATION: The dates and requirements of this Case Management Order are **FINAL**. No additional evidence developed as a result of deviations from this Case Management Order will be admissible at trial. This Case Management Order shall not be modified, except by leave of the Court.

SANCTIONS: In accordance with WVRCP 16(f), the Court will impose the full spectrum of sanctions authorized by the WVRCP if a party or party's counsel fails to obey this order or other orders of this Court.

A copy of this Order has this day been electronically served on all counsel of record via File & Serve*Xpress*.

It is so **ORDERED**.

ENTER: January 29, 2021.

/s/ Jack Alsop
Lead Presiding Judge
Marcellus Shale Litigation
Well Pad Cases